

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No.

of 20

DISTRICT

..... Applicant/s

(Advocate

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 06.12.2019.</p> <p>O.A.No.1008 of 2019</p> <p>N. V. BhosaleApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. Heard Smt. Punam Mahajan, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents. 2. Today, learned Counsel for the Applicant has filed Rejoinder. It is taken on record. 3. Matter is adjourned for hearing at the stage of admission. 4. S.O. to 03.01.2020. <p style="text-align: right;">Sd/- vv (A.P. Kurhekar) Member(J)</p>

vsm

(Advocate

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p data-bbox="885 559 1096 599">Date 6.12.2019.</p> <p data-bbox="1096 625 1347 665">O.A.No.347 of 2019</p> <p data-bbox="885 692 1534 732">P. A. GangardeApplicant</p> <p data-bbox="885 758 974 798">Versus</p> <p data-bbox="885 825 1502 864">The State of Maharashtra & Ors. ...Respondents.</p> <ol data-bbox="885 913 1559 1793" style="list-style-type: none">1. Heard Shri R. M. Kolge, learned Counsel for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.2. Learned Counsel for the Applicant requested to condone the delay caused in filing Affidavit of Service in terms of order dated 08.11.2019. Notices were issued to Respondents and the Applicant was required to file Affidavit of Service before three days of returnable date. Today is the returnable date.3. Learned Counsel for the Applicant has filed Affidavit of Service in office on 05.12.2019.4. In view of above, the delay caused in filing Affidavit of Service is condoned.5. The Respondents are already served with notices.6. Learned P.O. for file reply on next date.7. S.O. to 03.01.2020. <p data-bbox="1169 1842 1372 1993" style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p> <p data-bbox="779 1997 820 2023" style="text-align: center;">vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No. _____ of 20 _____ DISTRICT
..... Applicant/s

(Advocate)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 06 .12.2019.</p> <p>O.A.No.936 of 2019</p> <p>A. B. ChavanApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondent No.1. None for Respondent Nos.2 and 3. None for Respondent No.4 though served.</p> <p>2. Today, learned Counsel for the Applicant has filed Rejoinder. It is taken on record.</p> <p>3. Matter is adjourned for hearing at the stage of admission.</p> <p>4. S.O. to 09.12.2019.</p> <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">(A.P. Kurhekar) Member(J)</p>

vsm

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

ORIGINAL APPLICATION NO.1176 OF 2019

Shri K.V. Gaike.)...Applicant

Versus

1. The State of Maharashtra & Ors.)...Respondents

Mrs. Punam Mahajan, Advocate for Applicant.

Ms. S.P. Manchekar, Chief Presenting Officer for Respondents.

CORAM : A.P. KURHEKAR, MEMBER-J

DATE : 06.12.2019

ORDER

1. Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Ms. S.P Manchekar, learned Chief Presenting Officer for the Respondents.

2. The Applicant has challenged the impugned transfer order dated 28.11.2019 whereby he was transferred from Oshivara Police Station to Arm Police on administrative ground invoking jurisdiction of this Tribunal under Section 22N(2) of Maharashtra Police Act.

3. Smt. Mahajan, learned Advocate for the Applicant sought to contend that the Applicant has not completed his normal tenure as Senior Police Inspector at Oshivara Police Station but he was



transferred mid-term and mid-tenure on the basis of alleged default report without compliance of Circular dated 07.10.2016 issued by Director General of Police, and therefore, the transfer being punitive, she prayed for interim relief.

4. Per contra, Ms. S.P. Manchekar, learned Chief Presenting Officer submitted that there was serious complaints against the Applicant which was enquired into by DCP who submitted report against the Applicant for immediate transfer of the Applicant. Accordingly, the matter was placed before Police Establishment Board (PEB) wherein decision was taken to transfer the Applicant from Oshivara Police Station to Arm Police.

5. At this juncture, one need to see whether prima-facie there is compliance of Section 22N(2) of Maharashtra Police Act, which inter-alia provides that PEB can transfer Police Personnel for administrative ground mid-term and mid-tenure. In the present case, admittedly, the PEB had resolved to transfer the Applicant, in view of complaint and default report of DCP.

6. True, in terms of Circular dated 07.10.2016, no explanation seems to have been obtained from the Applicant before placing the matter before PEB. However, prima-facie, the DCP in his Enquiry Report strongly recommended for immediate transfer of the Applicant having found that his continuation at Oshivara Police Station would be detrimental to the public interest and to the administration also. The Enquiry Report submitted by DCP was confidential. It was not thoroughly discussed in PEB. However, the fact remains that in view of confidential report of DCP, the transfer of the Applicant was found necessary in public interest and from the point of administrative exigency. At this stage, it would not be appropriate to divulge upon the confidential report which was tendered by the learned CPO for perusal.

7. As such, one cannot jump into conclusion that the impugned transfer order is punitive, and therefore, not inclined to grant interim relief.
8. Issue notice returnable on 3rd January, 2019.
9. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
10. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
11. This intimation ~~and~~ notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988 and the questions such as limitation and alternate remedy are kept open.
12. The service may be done by Hand Delivery / Speed Post / Courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.
13. In case, notice is not collected within three days or service report on affidavit is not filed 3 days before returnable date, Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.
14. S.O. to 3rd January, 2020.

N
Sd/-

WV
(A.P. KURHEKAR)
Member-J

(Advocate

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 06.12.2019.</p> <p>O.A.No.934 of 2019</p> <p>Dr. A. B. ShindeApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Smt. Punam Mahajan, learned Counsel for the Applicant and Shri S. D. Dole holding for Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Today, learned P.O. has filed reply on behalf of the Respondent. It is taken on record.</p> <p>3. Matter is adjourned for hearing for filing Rejoinder.</p> <p>4. S.O. to 19.12.2019.</p> <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">(A.P. Kurhekar) Member(J)</p> <p>vsm</p>

(Advocate

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 06.12.2019.</p> <p>O.A.No.793 of 2019</p> <p>D. P. NagareApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri K. R. Jagdale, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Today, learned P.O. has filed reply on behalf of the Respondent Nos.1 and 2. It is taken on record.</p> <p>3. Matter is adjourned for hearing at the stage of admission.</p> <p>4. S.O. to 09.12.2019.</p> <p style="text-align: right;">^ Sd/-</p> <p style="text-align: right;">(A.P. Kurhekar) Member(J)</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

M.A./R.A./C.A. No. _____ of 20

IN

Original Application No. _____ of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p style="text-align: center;"><u>O.A. No.792 of 2019</u></p> <p>D.B. Bamane ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri B.A. Bandiwadekar, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. At the request of Ld. PO adjourned to 16.12.2019 for filing reply.</p> <p style="text-align: right;">Sd/- (P.N. Dixit) Vice-Chairman (A) 6.12.2019</p> <p>(sgj)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

M.A./R.A./C.A. No. of 20

IN

Original Application No. of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p style="text-align: center;"><u>O.A. No.727 of 2019</u></p> <p>J.H.K. Inamdar ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Applicant is present. Heard Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. At the request of Ld. PO adjourned to 13.12.2019 for filing reply.</p> <p style="text-align: right;">Sd/- (P.N. Dixit) Vice-Chairman (A) 6.12.2019</p> <p>(sgj)</p>